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9
10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) CASE NO. 4:07-cr-409-SBA
13 Plaintiffs,)
14 vs.) STIPULATION AND ORDER
15) TO CONTINUE STATUS OR TRIAL
16) SETTING HEARING FOR ALL
17) DEFENDANTS
18)
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17 IT IS HEREBY STIPULATED by and between defendants ALFREDO
18 SANCHEZ AND JOEL SANCHEZ, through their attorneys, ROBERT L.
19 FORKNER AND EDWARD G. DUREE, respectively, and plaintiff United
20 States of America, through its counsel of record, Assistant United
21 States Attorney KIMBERLY MARIE BRIGGS, stipulate and agree to the
22 following:

23 1. The presently scheduled status or trial setting hearing
24 date of July 24, 2007, at 9:00 a.m., shall be vacated for all
25 defendants and be rescheduled for further status or trial setting
26 hearing on September 11, 2007 at 9:00 a.m.

2. The reason for the requested continuance of the trial setting hearing is that the defendant ALFREDO SANCHEZ, is and must appear in a State matter at SOUTH COUNTY MUNICIPAL COURT, located at 12425 Monterey Road, San Martin, California on July 24, 2007 at 9:00 a.m., failure to appear will result in the issuance of a warrant for defendant, ALFREDO SANCHEZ'S arrest. client is unavailable for a status or trial setting hearing on July 24, 2007, as it is described in the accompanying Declaration of ROBERT L. FORKNER.

3. Time from the date of this stipulation to, and including, the proposed September 11, 2007, status conference shall be excluded from computation of time within which the trial of this matter must be commenced under the Speedy Trial Act pursuant to 18 U.S.C. § 3161 (h) (8) (A) and (B) (iv) and Local Code T-4, pertaining to continuity of defense counsel.

Dated: July 18, 2007

/s/ Robert L. Forkner

ROBERT L. FORKNER
Attorney at Law

Dated:

EDWARD G. DUREE
Attorney at Law

Dated:

KIMBERLY MARIE BRIGGS
Assistant U.S. Attorney

ORDER

UPON GOOD CAUSE SHOWN and the stipulation of all parties, it is ordered that the July 24, 2007 at 9:00 a.m., status or trial setting hearing be vacated and continued to September 11, 2007, at 9:00 a.m., for all defendants. The Court finds that the ends of justice to be served by granting a continuance outweigh and the best interests of the public and the defendants in a speedy trial. It is ordered that time from the date of this stipulation to, and including, the proposed September 11, 2007, status or trial setting hearing shall be excluded from computation of time within which the trial of this matter must be commenced under the Speedy Trial Act pursuant to 18 U.S.C. § 3161 (h) (8) and (B) (iv), pertaining to continuity of defense counsel.

Dated: 7/23/07

Saundra B Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

DECLARATION OF ROBERT L. FORKNER

I, ROBERT L. FORKNER, hereby declare under penalty of perjury
as follows:

1. I am currently counsel for defendant ALFREDO SANCHEZ in the case of United States v. ALFREDO SANCHEZ, et al., No. 04:07-cr-409-SBA.

2. A status or trial setting hearing is currently scheduled before this court for July 24, 2007.

3. The South County Municipal Court has ordered ALFREDO SANCHEZ to appear in the matter of People v. Sanchez. Docket No. FF088803 at 9:00 a.m. on July 24, 2007. In that matter my client Alfredo Sanchez may be issued a warrant if he fails to appear.

4. My client has yet to review his matter with me, this is part of the reason why I am requesting additional time.

5. This continuance will provide the time needed to meet and confer with Mr. Sanchez about his federal matter.

Dated: July 18, 2007

/s/ Robert L. Forkner

ROBERT L. FORKNER
Attorney at Law